

MANSFIELD TOWNSHIP COMMITTEE MEETING

December 10, 2008

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mrs. Oakley, Mr. Watters, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Salute to the flag by all.

APPROVAL OF MINUTES:

Mrs. Oakley made a motion to approve the minutes from the November 25, 2008, which was seconded by Mr. Jewell.

Ayes: Mrs. Oakley, Mr. Watters, Mr. Jewell, Mayor Nerbak

Nays: None

Absent: None

Abstain: Mr. Baldwin

PAYMENT OF BILLS:

Mr. Jewell asked if the police car that was in the accident was the car that got a front end alignment.

Mr. Coppola stated that it was.

Mr. Jewell asked why we had an alignment done.

Ms. Hrebenak stated that the car had 60,000 miles and that this was the car that was purchased in 2007.

Mr. Jewell stated that he thought that the car was one of the newest cars if the car had that many miles on it he has no questions.

Mr. Baldwin made a motion to approve the bill list as presented, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Mr. Coppola stated that each committee member received a copy of the overtime report and also a memo about the newest happenings in the Construction Office. The Technical Assistant is resigning from Washington Twp and prior to them hiring anyone for the office we were thinking of on a temporary basis taking the permits in and releasing them from Mansfield Clerk's Office would the Township Committee be interested in doing this.

Mr. Baldwin stated that he felt that this was a good idea and that he would like to make a motion to approve the Clerk's Office taking in the permits and releasing them on a temporary basis, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak

Nays: None

Absent: None

Abstain: None

Mr. Coppola explained that there is about \$1580 in uncollected Recreation Fees and stated that he is not sure if these are grants that were given out or why these have not been paid. Mr. Coppola stated that he had let Joanie know and also sent out the information to the Commissioners that are in charge of the sports.

Mr. Cruts, Recreation Commissioner was in the audience and asked that Mr. Coppola make sure that he also gets the information on this.

Ms. Hrebenak stated that there is still an issue with children getting hurt doing recreation activities and that the proper paperwork is not being turned in in a timely fashion.

Mr. Cruts stated that he would speak to the Commissioners.

Mr. Baldwin asked what was going on with the Energy Audit and stated that being that the money was put in this years budget he would really like to see us do something with it.

Mr. Coppola stated that he has still not received a response from the Mansfield School.

Mr. Baldwin stated that Mr. Coppola should check with the school again and then if he still gets no response Mr. Baldwin made a motion to approve moving forward for the Municipal Building with the State Plan, which was seconded by Mr. Watters.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak

Nays: None

Absent: None

Abstain: None

CLERKS REPORT:

Ms. Hrebenak stated that she received a call from the insurance company and they stated that the car is totaled and that they will be sending a check for \$10,850. Ms. Hrebenak asked what the Township Committee would like to do about replacing the car.

Mr. Coppola purposed that the Committee wait for the check and possibly put the money that is received into a reserve for the purchase of a new car next year, since the check will probably not be received until the very end of the year.

The Township Committee agreed that they would prefer to wait for the check and that it would be a good idea to put the money into a reserve for next year for the purchase of a car.

Ms. Hrebenak asked if we would be reorganizing on January 1, 2008 at 12:00.

The Township Committee agreed that we would be having the reorganization meeting January 1, 2008 at 12:00.

MAYORS REPORT:

Mayor Nerbak appointed Mike Alper to the Economic Development Commission with a term to expire 12/31/10.

Mr. Baldwin concurred with said appointment, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak

Nays: None

Absent: None

Abstain: None

Mayor Nerbak stated that the township had received a copy of a notice for Morris County that they will be having an public hearing on their Wastewater Management Plan.

Mayor Nerbak also stated that there is a meeting tomorrow in Clinton with Marcia Karrow.

Mr. Baldwin stated that he would be attending.

ENGINEERS REPORT:

Mr. Mace explained that the Washburn Road bid would be delayed until January 21st because there were items that were missing from the bid packet so it had to be reviewed again and the items that were missing needed to be included.

Ms. Oakley made a motion to approve the bid for Washburn Road being postponed until the meeting on January 21st, which was seconded by Mr. Baldwin.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak

Nays: None

Absent: None

Abstain: None

Mr. Mace discussed the letter that went through the rule changes from the NJDEP with the Township Committee.

Mr. Mace also explained to the committee that through all of his warnings to Washington Auto Sales they have still not complied and that he is forced to issue them a violation for the cars being parked outside of the fence.

PUBLIC PORTION:

Joe Toscano, Washington Auto Sales, explained to the Township Committee his hardships with selling his cars and his reasons for parking the cars on the exterior of the fence overnight.

Mr. Kobert, Esq. explained to Mr. Toscano that he would need to have site plan approval for the parking of cars on the exterior of the fence otherwise the Township would be forced to issue him a violation.

Mr. Toscano explained that he felt that he was grandfathered and did not need to go before the board for approval.

Mr. Mace explained to Mr. Toscano that he is grandfathered for the junk yard, but that did not allow for cars to be parked on the exterior of the fence outside of his business hours.

Mr. Mace told Mr. Toscano that he would give him the chance to move the cars before he got out of the meeting and that if this was done then a violation would not be issued and that if he is looking to park the cars on the exterior of the fence he would need to go before the board for a variance and also for a site plan approval.

Mr. Toscano explained that he would not be able to move the cars and that he would possibly come in to speak with Mrs. Zotti about the applications for the board.

RESOLUTION:

*2008-101
RESOLUTION
OVERPAYMENT OF TAXES*

WHEREAS, The following properties have an overpayment of property taxes for the tax year 2008.

WHEREAS, Any overpayment in excess of \$5.00 must be refunded;

NOW THEREFORE BE IT RESOLVED, by the Committee of the Township of Mansfield, on this 10th day of December 2008, that the Tax Collector and Chief Financial Officer are hereby authorized to refund the following overpayment of taxes and adjust records accordingly.

BLOCK LOT	OWNER	AMOUNT
1905 01	Lasalata, Annette	\$250.00*
2511 01	Allen, Royal Lester Jr. & Doris	\$9.38

*overpayment due to senior deduction allowed in November

Mr. Baldwin made a motion to approve the passage of Resolution 2008-101, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak
Nays: None
Absent: None
Abstain: None

RESOLUTION 2008-102
TOWNSHIP OF MANSFIELD
BODY ARMOR GRANT

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item thereof was not determined at the time of the adoption of the budget, and;

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township of Mansfield has received \$1,465.81 to administer a Body Armor Grant from the Division of Criminal Justice and wishes to amend its 2008 Budget to include a portion of this amount as a revenue

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2008 in the sum of \$1,465.81
that is now available as revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written Consent
Of the Director of Local Government Services:
Public and Private Revenues Offset with Appropriations:
Body Armor Grant

BE IT FURTHER RESOLVED that a like sum of \$1,465.81 be and the same is hereby appropriated under the caption of:

General Appropriations
(a) Operations – Excluded from 5% Caps Public and Private Programs Offset by
Revenues:
Body Armor Grant

Mrs. Oakley made a motion to approve the passage of Resolution 2008-102, which was seconded by Mr. Baldwin.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak
Nays: None
Absent: None
Abstain: None

Resolution 2008-103

**RESOLUTION TO CANCEL CAPITAL FUND RESERVES OF THE TOWNSHIP OF
MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY**

WHEREAS, there exists reserves on the balance sheet of the Capital Fund; and

WHEREAS, the funds creating these reserves have been investigated and it has been determined that these reserves are no longer needed and should be cancelled;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following reserves in the amount of \$7,117.94 be and the same are hereby canceled to surplus

Reserve for:

Purchase DPW Equipment - \$1,948.69
Reconstruction of Snyder Rd. - \$5,000.00
Purchase of Emergency Vehicle - \$169.25

Mrs. Oakley made a motion to approve the passage of Resolution 2008-103, which was seconded by Mr. Watters.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak
Nays: None
Absent: None
Abstain: None

2008-104

MANSFIELD TOWNSHIP, WARREN COUNTY

**NOTICE OF INTENTION TO PETITION THE HIGHLANDS
COUNCIL FOR PLAN CONFORMANCE**

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 *et seq.*, finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other key natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to

prepare and adopt a Regional Master Plan for the Highlands Region and requiring that within nine to fifteen months after September 8, 2008, each county and municipality located wholly or partially in the Preservation Area must submit a Petition for Plan Conformance to the Highlands Council for that portion of its jurisdiction lying within the Preservation Area; and

WHEREAS, the Highlands Act specifies that conformance with the Regional Master Plan (Plan Conformance), requires revisions to municipal and county master plans and development regulations, as applicable, to the development and use of land to align them with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Highlands Council's Plan Conformance Guidelines require that for jurisdictions with any lands in the Preservation Area, a Notice of Intent to conform to the Regional Master Plan must be submitted to the Highlands Council as soon as practicable, but not later than February 1, 2009, and that for any lands in the Planning Area, a Notice of Intent may be submitted at any time; and

WHEREAS, Mansfield Township lies within the Highlands Region as defined by the Highlands Act; and

WHEREAS, Mansfield Township believes that it is in the best interest of the Township of Mansfield to conform to the Regional Master Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of Mansfield Township hereby provides the Highlands Council with this Notice of Intent to petition the Highlands Council for Plan Conformance for all lands lying within the Preservation Area.

BE IT FURTHER RESOLVED, this Notice of Intent additionally specifies that the Township Committee of Mansfield Township intends to include all lands lying with the Planning Area in the petition. In accordance with the Highlands Council's Plan Conformance Guidelines, this Notice of Intent not binding with respect to lands within the Planning Area.

BE IT FURTHER RESOLVED, this Notice of Intent provides notice to the Highlands Council that the Township of Mansfield has set December 1, 2009 as the target date for submission of a Petition of Plan Conformance.

Mr. Baldwin made a motion to approve the passage of Resolution 2008-104, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mayor Nerbak

Nays: Mr. Jewell

Absent: None

Abstain: None

2008-105
**RESOLUTION SEEKING AN EXTENSION OF THE
DEADLINE TO PETITION FOR SUBSTANTIVE CERTIFICATION
PURSUANT TO EXECUTIVE ORDER 114 AND THE
MEMORANDUM OF UNDERSTANDING BETWEEN THE
HIGHLANDS COUNCIL AND THE COUNCIL ON
AFFORDABLE HOUSING**

WHEREAS, on September 5, 2008, Governor Corzine signed Executive Order 114 which requires the Council on Affordable Housing (COAH), and the New Jersey Highlands Council (Highlands) to enter into a Memorandum of Understanding (MOU), designed to coordinate the regulations of both agencies by maximizing affordable housing opportunities while preserving critical environmental resources; and

WHEREAS, COAH and the Highlands have prepared such an MOU, which was adopted by COAH on October 29, 2008 and by the Highlands Council on October 30, 2008; and

WHEREAS, conformance with the Highlands Regional Master Plan (Plan Conformance) requires revisions to municipal and county master plans and development regulations as applicable to the development and use of land to align them with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, COAH regulations establish a December 31, 2008 deadline for municipalities currently under the jurisdiction of COAH to submit third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, the MOU establishes a procedure that municipalities under the jurisdiction of both COAH and the New Jersey Highlands Water Protection and Planning Act may follow to seek an extension to the December 31, 2008 deadline set by COAH for the submission of third round petitions for substantive certification of a municipal housing element and fair share plan; and

WHEREAS, the MOU provides for an extension of the December 31, 2008 deadline to December 8, 2009 for any Highlands municipality under COAH's jurisdiction that, before December 31, 2008: 1) submits a duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines; and 2) submits a duly adopted resolution notifying COAH of its intent to petition COAH no later than December 8, 2009; and

WHEREAS, on December 10, 2008, the governing body of Mansfield Township adopted a resolution notifying the Highlands that Mansfield Township has set December 1, 2009 as the target date for submission of a Petition for Plan Conformance.

NOW, THEREFORE, BE IT RESOLVED, that Mansfield Township hereby agrees that its deadline for the submission of a Housing Element and Fair Share Plan pursuant to N.J.A.C. 5:96-16 is extended from December 31, 2008 to December 8, 2009; and

BE IT FURTHER RESOLVED, that the governing body of Mansfield Township hereby directs the Municipal Clerk to immediately transmit a signed and sealed copy of this resolution to COAH; and

BE IT FURTHER RESOLVED, that the governing body of Mansfield Township hereby directs its Municipal Clerk to immediately transmit a signed and sealed copy of the December 10, 2008 duly adopted Notice of Intent to Petition in accordance with the Highlands Council's Plan Conformance Guidelines to COAH; and

BE IT FURTHER RESOLVED that the governing body of Mansfield Township intends to submit a petition for substantive certification of a third round Housing Element and Fair Share Plan to COAH not later than December 8, 2009.

Mrs. Oakley made a motion to approve the passage of Resolution 2008-105, which was seconded by Mr. Baldwin.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mayor Nerbak

Nays: Mr. Jewell

Absent: None

Abstain: None

RESOLUTION NO. 2008-106

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH
THE VOLUNTEER FIRE DEPARTMENTS**

WHEREAS, The Township of Mansfield has a contract with the Volunteer Fire Departments that is due to expire on 12/31/2008;

WHEREAS, there is a need for the Township to execute a new one year contract with the Volunteer Fire Departments;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

**The Mayor is hereby authorized and directed to execute the contract
with the Volunteer Fire Departments.**

**Mrs. Oakley made a motion to approve the passage of Resolution 2008-106,
which was seconded by Mr. Watters.**

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak

Nays: None

Absent: None

Abstain: None

RESOLUTION NO. 2008-107

**A RESOLUTION AUTHORIZING THE CANCELLATION OF OUTSTANDING
CHECKS FROM VARIOUS ACCOUNTS OF THE TOWNSHIP OF MANSFIELD,
COUNTY OF, STATE OF NEW JERSEY**

BE IT RESOLVED, by the Mayor and Township Committee of the Township of Mansfield, County of Warren, New Jersey, as follows:

WHEREAS, the Chief Financial Officer of the Township of Mansfield has advised that there are outstanding checks from various accounts of the Township of Mansfield that are more than a year old; and

WHEREAS, the Chief Financial Officer of the Township of Mansfield has advised that there are outstanding checks which were issued when inactive escrow accounts were closed and some of those checks have been returned; and

WHEREAS, the Chief Financial Officer of the Township of Mansfield has made diligent efforts to have checks cashed by the appropriate vendors and investigated alternative addresses,

NOW, THEREFORE BE IT RESOLVED, The Chief Financial Officer of the Township of Mansfield is by this Resolution authorized and directed to cancel the outstanding checks as of the date of the Resolution under said accounts on the records of the Township of Mansfield.

Developer's

Escrow

Bank of America

Check #	Amount
1592	7.25
1764	531.25
1773	11.61
1801	131.25
Total	681.36

Commerce Bank

Check #	Amount
1995	1
1998	1
2004	4.7
2012	42
2018	354.3
2023	4.84
2024	531.25
2030	27.13
2044	6.38
2061	322.95
2067	1030.6
Total	2326.15

Mr. Kobert, Esq. asked Mr. Coppola if these are all left from old escrows.

Mr. Coppola explained that two letters were sent to all of the escrow holders and that the township received no response and that is why the amounts are being cancelled.

Mrs. Oakley made a motion to approve the passage of Resolution 2008-107, which was seconded by Mr. Baldwin.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak

Nays: None

Absent: None

Abstain: None

ORDINANCE:

Mayor Nerbak presented Ordinance 2008-15 for first reading:

Ordinance :2008-15

**AN ORDINANCE TO AMEND CHAPTER IV OF THE CODE
OF THE TOWNSHIP OF MANSFIELD TO PROVIDE FOR
A NEW ARTICLE III ENTITLED TOWING.**

WHEREAS, the Township Committee of the Township of Mansfield has determined that Chapter IV of the Township Code requires a new Article III, entitled "Towing."

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

Section I.

Chapter IV of the Code of the Township of Mansfield is hereby amended to provide a new Article III, entitled "Towing. " The provisions of the new Towing Ordinance are set forth in full below:

CHAPTER IV

**ARTICLE III
TOWING**

4.9 Definitions. As used in this chapter:

Automobile shall mean a private passenger motor vehicle or any vehicle included in the definition of automobile under N.J.A.C. 11:3-22.2.

Basic Towing Service shall mean the removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incident thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

Motor Vehicle shall include all vehicles propelled otherwise than by muscular power, but shall exclude motorcycles and such vehicles as run only upon rails or tracks.

Township shall mean the Township of Mansfield.

Township Storage Facility. Shall mean a storage facility for impounded vehicles established and operated by the Township of Mansfield.

Tow Operator shall mean a person engaged in the business of towing and storing automobiles and other motor vehicles, or offering the services of a tow vehicle or tow truck and storage services.

Tow Truck shall mean those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by their manufacturer for the removal or transport of motor vehicles, including flatbed vehicles, employed for the purpose of towing, transporting, conveying and/or removing motor vehicles which are unable to be operated under their own power from one place to another for which a charge or fee is extracted.

4-9.1 Approval and licensing required.

- A. No person shall engage in the business of towing or storing automobiles or other motor vehicles at the direction of the Township of Mansfield without first obtaining approval and a Township tow operator's license from the Township of Mansfield. The Township of Mansfield is hereby authorized to issue up to a maximum of 6 tow operator's licenses at any one time pursuant to this Ordinance.
- B. Nothing herein shall require the rendering of road service or for the provision of towing and storage services within the Township other than at the request of the Township.

4-9.2 Services to be provided; subcontractors; liability.

- A. Licensed towers shall furnish adequate and proper wrecking, towing, storage and minimal or minor emergency repair services to automobiles and other motor vehicles damaged or disabled within the limits of the Township when requested to do so by the Chief of Police or his authorized designee. The Chief of Police may require that said vehicle to be towed to a Township Operated Facility, if any.
- B. No licensed tower shall subcontract any work to be performed pursuant to this Article without having first obtained prior written approval from the Chief of Police. Any tower to whom approval to subcontract work has been given shall be responsible for the services performed by the subcontractor and shall remain liable for any violations of this Article by the subcontractor.

4-9.3 Application for approval; required information.

- A. Applicants for a tow operator's license under this Article shall file an application with the Chief of Police. The form of the application shall be furnished by the Chief of Police, and applicants are responsible for securing these applications. There shall be paid at the time of submission of the application a nonrefundable one-time application fee of \$75.00. The application shall include the following information and certification:
 - (1) The full name and address of the applicant and, if different, the owner(s) of the towing service. The application must state the type of business entity which is operating the business, i.e., sole proprietorship, partnership or corporation. If the application is made for a corporation, it shall state the name and addresses of the officers and directors thereof, its registered agent and the names and residential addresses of every stockholder owning more than 10% of the issued stock. If the application is made on behalf of a sole proprietorship or partnership, all parties having an equity interest in the towing service shall be listed.
 - (2) The year, make and type of each tow vehicle used in said business, its serial number, registration number and registered owner(s) and applicable licenses held by each owner or operator.
 - (3) The address where each tow vehicle shall be regularly garaged, the telephone number or numbers and the hours during which service is available at those numbers, and the names, addresses and New Jersey driver license numbers of all operators.

- (4) The location, size and features of the storage lot or space in which towed vehicles will be stored, including the number of spaces available. The storage lot(s) shall be designated either as:
 - (a) Inside building; a vehicle storage facility that is completely indoors, having one or more openings in the walls for storage and removal of vehicles that is secured by a locking device on each opening;
 - (b) Outside secured; a vehicle storage facility that is not indoors and is secured by a fence, walls or other man-made barrier that is at least six feet high and is installed with a passive alarm system or a similar on-site security measure. The facility is to be lighted at night; or
 - (c) Outside unsecured; a vehicle storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier, and all other storage facilities not defined above as inside building or outside secured.
- (5) The name and address of the insurance carriers, and the policy numbers of all insurance policies as required by this Article.
- (6) A copy of the operator's current fee schedule for towing and storage services.
- (7) A statement that on-call towing and storage services will be available 24 hours per day, every day of the year.
- (8) A statement that the procedures required by this Article shall be complied with at all times.
- (9) A statement that all tow vehicles are equipped with two-way radios or cellular phones.
- (10) A statement that the Chief of Police or his designee may at any reasonable time conduct an inspection of the tow vehicles or storage facility of any applicant for the purpose of determining compliance with this Article.
- (11) Whether the tower wishes to be designated as a light-duty tower or heavy-duty tower, or both.
- (12) Such other information as the Chief of Police may prescribe. In this regard, applicants shall be responsible for the costs of fingerprinting and background checks as required by the Chief of Police.

4-9.4 Classification standards for towers; equipment requirements.

The following minimum standards must be met for each class of towers:

- A. Light-duty. A light-duty tower shall be able to handle all makes of passenger cars and small trucks up to one ton, such as pickup and small panel trucks. The garage from which a light-duty tower originates must be equipped with a portable car dolly. Each light-duty tower shall be equipped with the following:
 - (1) Dual rear wheel or equivalent.
 - (2) Power-take-off controlled winch with a minimum cable thickness of 3/8 inch or equivalent.
 - (3) Comparable weight equal to the vehicles to be towed, with a minimum of 10,000 pounds.
 - (4) A three-eighths-inch safety chain. The lift chain and safety chains shall not be attached in any form or manner to the same part of the wrecker.
 - (5) Two double-faced rear flashing amber lights mounted high enough to be seen over the towed vehicle.
 - (6) A three-hundred-sixty-degree rotating amber beacon light mounted over the cab.
 - (7) All lights shall be of such candle power and intensity as to be visible ¼ of a mile away or shall be equal to the candle power of the lights on Township police vehicles.
 - (8) Tower shall own at least two flatbed trucks and one conventional wrecker for the removal of vehicles from roadways. A flatbed truck will be used when, in the opinion of the tower and the police officer on the scene, to tow the vehicle by conventional means would result in further damage.
- B. Heavy-duty. All towers classified as heavy-duty shall be equipped with the following:
 - (1) Dual rear wheels.
 - (2) Manufacturer rating: gross vehicle weight of 32,000 pounds. Manufacturer rating may be obtained from the factory where the truck originates. Other written evidence of gross vehicle weight may be accepted by the Township if verified.
 - (3) Power-take-off controlled winch with a minimum cable thickness of 5/8 inch.

- (4) Two double-faced rear flashing amber lights mounted high enough to be seen over the towed vehicle.
 - (5) All lights shall be of such candle power and intensity as to be visible ¼ of a mile away or shall be equal to the candle power of the lights of a Township police vehicle.
 - (6) A one-half inch safety chain. The lift chain and safety chain shall not be attached in any form or manner to the same part of the wrecker.
 - (7) Air brakes.
 - (8) Connecting air lines for connection with the compressor and air brake lines of the towed vehicles.
 - (9) Detachable amber flashing lights attached to the rear of the towed vehicle.
 - (10) Two-speed rear axle and differential or dual transmission, five-speed transmission or automatic transmission
- C. In order to be qualified for application approval, the tower must have at least the following number of trucks:
- (1) Light-duty towing; one truck and one flatbed.
 - (2) Heavy-duty towing; one truck.

4-9.5 Application review; conditions for acceptance.

- A. The Chief of Police shall conduct or cause to be conducted such investigation as he deems necessary to determine the truth and accuracy of the information contained in the application and whether the applicant meets the following minimum standards:
- (1) Neither the applicant nor any tow vehicle operator has any criminal convictions or prior motor vehicle infractions which might adversely affect safety or welfare.
 - (2) The applicant has the ability to respond to any request for assistance within 30 minutes.
 - (3) The applicant can provide on-call towing services 24 hours per day, every day of the year.
 - (4) The tow trucks and equipment are in safe and sound condition and in compliance with all applicable laws, rules and regulations.

- (5) The applicant has the ability to perform mechanical inspections of and minor repairs to disabled vehicles.
 - (6) The applicant owns or has a valid lease to a storage facility in or within 5 miles of the Township in an area legally zoned for such use, and such storage facility includes a minimum of 6 secured outside and/or inside parking spaces for the storage of impounded vehicles. The definitions related to the various types of indoor and outdoor storage facilities set forth in 4:9.3A(4) shall be applied to determine operator compliance with this provision.
 - (7) The applicant is in compliance with and/or has the ability to comply with all other requirements and standards set forth herein or otherwise required by law.
- B. The Chief of Police shall conduct his review and render a report to the Township Committee, recommending either approval or denial of the application within 60 days of receipt of the application and if there is a viable reason given to the Township Committee they may grant the police department an extension of 30 days. Within 21 days of receipt of the report of the Chief of Police, the applicant, or its representative, shall be given notice of the date on which the Township Committee will consider the application and shall be permitted to appear and be heard at that time.
- C. Written notice of the approval or denial of the application shall be provided to the applicant within 7 days of the decision of the Township Committee.

4-9.6 Revocation; notice.

- A. Approvals issued under this Article may be revoked by the Chief of Police after reasonable notice and hearing pursuant to this section for any of the following reasons:
 - (1) False or materially inaccurate information in the application, or a change of circumstances which would have caused disapproval of the application if existing at the time of the approval.
 - (2) Failure to comply with any of the requirements of this Article, any additional regulations promulgated by the Chief of Police or any state, federal or local law relating to motor vehicle operation.
 - (3) Unsatisfactory service which jeopardizes public safety. More than three unexcused failures to respond and/or valid complaints (as determined by the Chief of Police after investigation) within a twelve-month period shall be considered grounds for revocation.
- B. Revocation shall be in writing and shall include the reasons therefore and notice of the licensee's right to appeal to the Township Committee.

4-9.7 Appeals.

Any person aggrieved by the action of the Chief of Police in denial of an application, suspension from the Township on-call towing list, or suspension of tow operator's license, may appeal to the Township Committee by filing with the Office of the Clerk, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written request for a hearing, setting forth fully the grounds for the appeal. The Committee will set a time and place for a hearing on such appeal, and notice shall be served on or mailed to the applicant or licensee at least 5 days prior to the hearing.

4-9.8 Insurance requirements.

- A. Every licensed operator shall carry insurance as follows:
 - (1) Comprehensive vehicle liability in an amount not less than \$1,000,000 combined single limits.
 - (2) Workers' compensation coverage as required by state law.
 - (3) Garage keeper's liability in an amount not less than \$60,000.00.
 - (4) Garage liability in an amount not less than \$1,000,000 combined single limits.
 - (5) Comprehensive general liability coverage in an amount not less than \$1,000,000 for each person and \$2,000,000 for each accident.
 - (6) Endorsements providing for collision coverage for vehicles in tow.
 - (7) Endorsements incorporating the indemnification provision as set forth herein.
 - (8) Endorsements naming the Township as an additional insured in all insurance policies (except workers' compensation policies).
- B. All tow operators shall hold harmless and indemnify the Township, its officers, employees and agents, from any and all liability claims, losses or damage arising or alleged to arise from the performance of the towing services requested of or rendered by the licensee. The foregoing indemnification language shall be incorporated in the required general comprehensive liability policy.
- C. All insurance policies shall be written by insurance companies acceptable to the Township and authorized to do business in the State of New Jersey.
- D. No approval shall be issued until the applicant has submitted the certificates of insurance evidencing the insurance coverage and endorsements required. All certificates must provide for 30 days' prior written notice to the Township of policy cancellation or material change.

- E. Any approval shall be issued under this chapter will be automatically revoked upon expiration or cancellation of the required insurance, or material change in coverage which renders that coverage not in compliance with the requirements of this chapter.

4-9.9 On-call towing list; approved storage facilities.

- A. The Chief of Police shall maintain a list of those approved tow operators to respond to calls from the Township Police Department. In order to be included on the on-call towing list, an applicant must meet all of the requirements of this chapter.
- B. Calls to tow operators on the on-call list shall be made on a non-discriminatory rotating basis, pursuant to procedures established by the Chief of Police. The Chief of Police or his designee may call a tow operator out of sequence or seeking the services of a tow operator not on the on-call list if the circumstances require specialized equipment or if the interests of public safety so require.
- C. The fees to be charged for towing and storage services shall be as set forth in this Article. The Township shall not be liable for the cost of any towing and/or storage services, unless those services are performed for a municipal vehicle.
- D. Inclusion on the on-call towing list shall be automatically revoked upon revocation of tow operator's license. The Chief of Police may also suspend a tow operator's inclusion on the on-call towing list for such period of time as he considers appropriate for violations of this Article, after a hearing on such violations. Suspensions may be appealed pursuant to the procedures set forth in Section 4-9.7.
- E. Nothing in this section shall prohibit a motorist or vehicle owner from summoning a tow operator of his or her own choosing, except that any Township police officer at the scene of an incident requiring towing services shall be responsible for making the final determination as to when towing shall take place and which tow operator shall be called.
- F. All vehicles towed at the request of the Township must be removed to an approved storage facility in the State of New Jersey, unless the owner or operator of the vehicle specifically requests that it be towed to another destination. Any Township police officer at the scene shall be responsible for making the final determination as to the towing destination.

4-9.10 Issuance of license.

Upon receipt of notice by the Clerk that an application has been approved and classified and upon the payment of the license fee designated herein, the Township Clerk shall issue a Township of Mansfield tow operator's license, designated "light-duty" or "heavy-duty" or both.

4-9.11 Fee schedule.

Fees and rates for towing and storage of motor vehicles shall not exceed the following limits:

- A. Light Duty Day Rate (8:00 p.m. to 5:59 p.m.): \$75.00 per towing vehicle dispatched, plus any fees for additional services performed and mileage (\$2.00 per mile) from the scene.
- B. Light Duty Evening Rate (6:00 p.m. to 11:59 p.m.): \$100.00, plus any fees for additional services performed from the scene. The night rate shall apply on Sundays and legal holidays in the State of New Jersey.

- C. Light Duty Overnight Rate (12:00 a.m. to 5:59 a.m.): \$135.00, plus any fees for additional services performed from the scene. The night rate shall apply on Sundays and legal holidays in the State of New Jersey.
- D. Medium Towing – For motor vehicles with gross weight between 10,000 pounds and 26,000 pounds: \$175.00 per hour with a minimum of one hour per towing vehicle dispatched regardless of the time of day.
- E. Heavy Duty Towing: For motor vehicles with a gross weight over 26,000 pounds which can be moved with a conventional wrecker, \$350.00 per hour. Minimum one hour per towing vehicle dispatched, regardless of the time of day.
- F. For motor vehicles with a gross weight over 26,000 pounds where under reach towing is required, \$450.00 per hour. Minimum one hour per towing vehicle dispatched, regardless of the time of day.
- G. No mileage shall be charged if the vehicle is towed to the tow operator's storage facility or to any location requested by the owner that is located within the Township of Mansfield.
- H. Mileage may be charged should the owner request that the vehicle be towed to another location outside the Township of Mansfield, but the operator must first obtain the owner's approval of the operator's applicable mileage rate. No person shall be liable to any tow operator for any mileage fee in excess of the operator's fee schedule.
- G. Rates for road service shall not exceed the following:
 - (1) Motor vehicles with a gross vehicle weight of less than 10,000 pounds: \$75.00 per hour Day Rate, \$100 per hour Evening Rate and \$135.00 per hour Overnight Rate, with one hour minimum charge, plus costs of any materials used, including but not limited to, gasoline.
 - (2) Motor vehicles with gross vehicle weight greater than 10,000 pounds: \$100.00 per hour Day Rate, \$125.00 per hour Evening Rate and \$150.00 per hour Overnight Rate, with one hour minimum charge, plus costs of any materials used, including but not limited to gasoline.
- H. Storage fees shall not exceed \$30.00 per day, or any part thereof, for outside unsecured storage of motor vehicles under 22 feet in length and shall not exceed \$75 per day, or any part thereof, per unit, for all other motor vehicles.
- I. Storage fees shall not exceed \$35.00 per day, or any part thereof, for outside secured storage of motor vehicles under 22 feet in length and shall not exceed \$85.00 per day, or any part thereof, per unit, for all other motor vehicles.
- J. Storage fees shall not exceed \$40.00 per day, or any part thereof, for inside secured storage of motor vehicles under 22 feet in length and shall not exceed \$100 per day, or any part thereof, per unit, for all other motor vehicles.
- K. Added charges for special services, if needed, shall not exceed \$100.00 per hour per tow truck and/or any additional pieces of equipment necessary to clear the roadway of debris or other prepare the vehicle prior to towing. Winching and recovery charges are subject to conditions pertaining to accident scene and weather conditions.
- L. Prior to hookup or flatbedding of a motor vehicle, the tow operator shall present a copy of its fee schedule to the owner or operator of the vehicle. The

fee schedule shall also contain the name, address and telephone number of the tow operator and a statement of the hours when the motor vehicle may be claimed.

- M Operators licensed by the Township may petition the Township Committee for changes in the fee limits established herein based upon inflation, reasonableness and economic need.

4-9.12 Regulations and procedures; failure to comply.

The Chief of Police shall promulgate such rules, regulations and procedures, not inconsistent with this chapter, as may be reasonable and necessary to carry out the provisions of this chapter. Copies thereof shall be provided to all approved tow operators and shall be made available to the public, along with copies of current fee schedules, during normal business hours. Failure to comply with applicable rules, regulations and procedures may be cause for revocation of a tow operator's approval.

4-9.13 Enforcement.

The Chief of Police is hereby designated to enforce the provisions of this chapter and any applicable rules and regulations.

4-9.14 License fees.

Within ten (10) days of notice of approval of the license, the applicant shall pay the following fees to the Township:

- A. The fee for a license, for each light-duty operation only, shall be \$100.00 per year.
- B. The fee for a license, for a heavy-duty operation only, shall be \$100.00 per year.
- C. The fee for a license, for a combination light-duty and heavy-duty operation, shall be \$150.00 per year.

Section II.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section III.

If any section, subsection, paragraph, phrase or sentence of these amendments to the Township Code is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section IV.

This Ordinance shall take effect immediately upon final publication as provided by law.

Mr. Baldwin approved the presentation of Ordinance 2008-15 and requested that the public hearing be advertised for December 23, 2008 at 8:00pm, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak
Nays: None
Absent: None
Abstain: None

Mayor Nerbak presented Ordinance 2008-16 for first hearing:

ORDINANCE 2008-16

ORDINANCE TO CANCEL CAPITAL ORDINANCES OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY

WHEREAS, the Township of Mansfield did adopt the following Ordinances; and

WHEREAS, all purchases and agreements have been completed and there remains unexpended balances of \$8,358.01; and

BE IT ORDAINED by the Township Committee of the Township of Mansfield, that the unexpended balances of such ordinances be cancelled as follows:

Cancellation of fully funded improvement authorizations by the Capital Improvement Fund are cancelled back to the Capital Improvement Fund. Cancellation of other funded improvements are cancelled to General Capital Fund Balance. Unfunded improvement authorizations are cancelled against Deferred Charges to Future Taxation – Unfunded.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following ordinances in the amounts of \$8358.01 be and the same are hereby canceled to Capital Surplus

Ordinance 2006-05
Hemlock Ct. Drainage - \$2,654.61
Ordinance 2007-01
Police Equipment/Offices - \$579.00
Ordinance 2007-10
Purchase of Rifles - \$.35
Ordinance 2008-04
Road Construction - \$21.30
Ordinance 2005-10
Road Equipment & Construction - \$5,102.75

Mrs. Oakley made a motion to approve the presentation of Ordinance 2008-16 and requested the public hearing be advertised for December 23, 2008 at 8:00 pm, which was seconded by Mr. Watters.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Watters, Mr. Jewell, Mayor Nerbak
Nays: None
Absent: None
Abstain: None

COMMITTEE PERSON COMMENTS:

Mr. Watters explained that he would be attending the school meeting tomorrow night.

Mr. Jewell asked that a resolution be prepared for the Construction Inspection and Oversight Contract with Harold Pellow and Assoc. not to exceed \$20,000 and made a motion to approve the same, which was seconded by Mrs. Oakley.

Ayes: Mrs. Oakley, Mr. Baldwin, Mr. Jewell, Mayor Nerbak

Nays: Mr. Watters

Absent: None

Abstain: None

Mr. Baldwin stated that the shared services group is working on the Police Feasibility Study, the Wash Bay agreement, and also the possibility of a shared court with Oxford Municipal Court.

Mayor Nerbak explained that she received a letter from Jason Gonzalez introducing himself he is the Vice President of Government Affairs for New Jersey American Water.

Mrs. Oakley stated that due to lack of interest the Christmas Tree Lighting was cancelled again this year.

Mr. Baldwin made a motion to adjourn at 8:36pm, which was carried by all.